IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 22896 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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PARKAR SECURITIES LTD & 2 - Petitioner(s)
Versus
CENTRAL BANK OF INDIA & 1 - Respondent(s)

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Appearance :

MR JA ADESHRA for Petitioner(s) : 1 - 3.
RULE SERVED for Respondent(s) : 1,
MS NALINI S LODHA for Respondent(s) : 1,
NOTICE UNSERVED for Respondent(s) : 2,

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 29/03/2007

ORAL JUDGMENT

Rule. Ms.Nalini S. Lodha, learned advocate waives service of rule on behalf of respondent no.1.

The petitioners have challenged the order dated 11.05.2006 passed below Exhibit 54/55 in Summary Suit No.3233 of 2002 by the learned Chamber Judge, City Civil Court, Ahmedabad. The application was filed seeking permission to implead the National Stock Exchange of India Ltd., Mumbai; and National Securities Clearing Corporation Ltd., Mumbai as defendants no.3 and 4.

The learned advocate for the petitioners submitted that both the aforesaid parties were necessary parties to the proceedings. He submitted that in any case, they were proper parties to be impleaded. Learned advocate submitted that the court below has committed an error in not granting permission to implead them as parties. In support of his submission, learned advocate relied upon the decision in the matter of **Gujarat Housing Board Vs. Nagajibhai Laxmanbhai and others**, reported in 1985 G.L.H. 999.

Having heard the learned advocates, the Court is

of the opinion that the aforesaid two parties are necessary parties to the proceedings and the learned Judge has committed an error in rejecting the application, Exh.54/55. In view of the decision of the Full Bench of this Court, the present Special Civil Application is allowed. Exh.54/55 is granted. The aforesaid two parties be impleaded as defendants no.3 and 4. Rule is made absolute. No order as to costs.

(RAVI R. TRIPATHI, J.)

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